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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,742	05/22/2001	Anastacia Rosario Aricayos Barangan	AA473	8754

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EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,742

Applicant(s)

BARANGAN ET AL.

Examiner

James H. Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20051013</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Prosecution History

On 22 May 2001, applicant filed the instant application. The present application claims priority to Provisional application 60/206077, filed on 22 May 2000.

On 28 June 2004, the Examiner issued a first office action, non-final, rejecting claims 1-37 as unpatentable over Tracy (6,550,672) in view of Herz (2001/0014868).

On 4 October 2004, applicant amended claims 1 and 23.

On 12 December 2004, the Examiner issued a final office action, rejecting claims 1-37 as unpatentable over Tracy (6,550,672) in view of Herz (2001/0014868).

On 14 March 2005, applicant filed a Notice of Appeal.

On 24 March 2005, the Examiner acknowledged receipt of the Notice of Appeal.

On 10 May 2005, applicant filed a request for continuing examination (RCE).

On 2 August 2005, the Examiner issued a non-final office action, rejecting Claims 1-10 and 12-37. The Office Action incorrectly listed Johnson et al. as US 6,484, **168**.

On 11 October 2005, applicant's counsel left a voicemail for the Examiner, requesting clarification concerning (a) Johnson and (b) objections to the drawings.

On 14 October 2005, after several failed attempts to reach counsel, the Examiner left a message on counsel's voicemail, including the correct patent number (US 6,484, **158**) for Johnson.

On 20 October 2005, in view of counsel's failure to acknowledge the above correction, the Examiner mailed an Interview Summary and a new Notice of References Cited. A second copy of the Interview Summary is attached herein.

On 25 October 2005, applicant's counsel submitted a response to the Office Action of 2 August, but failed to note the correction of the Johnson reference.

By the present Office Action, the Examiner vacates the Office Action of 2 August 2005. The present Office Action combines applicant's multiple amendments and arguments.

Response to Amendment

On 10 May 2005, Applicant amended claims 1, 23, 26, and cancelled claim 11.

On 25 October 2005, applicant further amended claims 4 and 34.

Claims 1-10 and 12-37 are pending and will be examined.

Response to Arguments

Applicant's arguments filed 10 May 2005 and 25 October 2005 have been fully considered but they are not persuasive.

Objections to the drawings are withdrawn in view of amendment of 10/25/05.

Applicant's comments, 10 May 2005, concerning Hertz have been considered but are moot in view of the new ground(s) of rejection.

Applicant's other comments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's comments concerning Pennock are moot in view of corrected citation.

See Interview Summary and PTO-892, attached.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1-10, 12-37 are provisionally rejected under the judicially created doctrine of double patenting over claims 1 and 19 of copending Application No. 09/903,266.

This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: collecting personalized consumer data, comparing the data, preparing a recommendation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to disclose that the data pertains to a particular type of product, since the type of product and the

various nonfunctional limitations are given little patentable weight. The language is nonfunctional and does not perform a manipulative step.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the historical data, Fig. 3, reference 226 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The instant application lacks Figs. 1 and 2. The application has been examined using Figs. 1 and 2 from provisional application 60/206077.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

At the onset, the Examiner notes that the type of product expressed as limitations is given little patentable weight. The language is nonfunctional and does not perform a manipulative step. For example:

- "...*fabric care* [product]...",
- "...*chosen from a dryer-added sheet product or a fabric softener*..."
- "...[product characteristics] ... *perfume, product color, package color, and mixtures thereof*..."
- "...selected from the group consisting of *laundry detergents, fabric conditioning compositions, wrinkle removal compositions, bleaches, bleach activators, dye fixatives, stain removers, anti-static compositions, dryer added sheet products and mixtures thereof*...."

For applicant's convenience, the Examiner lists the claims and references below:

claims	Unpatentable over
1-10, 12-22	Tracy et al. (US 6,550,672) in view of Johnson et al. (US 6,484,158).
23-25	Tracy et al. (US 6,550,672) in view of Johnson et al. (US 6,484,158).
26-32, 35-37	Tracy et al. (US 6,550,672) in view of Johnson et al. (US 6,484,158).
33	Tracy et al. (US 6,550,672) in view of Johnson et al. (US 6,484,158) and further in view of Toussant et al. (US 6,092,726).
34	Tracy et al. (US 6,550,672) in view of Baker et al. (US 6,316,402).

Claims 1-10 and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672) in view of Johnson et al. (US 6,484,158).

As per independent claim 1, Tracy discloses recommending products to consumers over networks. For example, Tracy discloses

(a) **collecting** personalized consumer data pertaining to a consumer's needs and habits. See, for example, references to previous purchases such as charcoal, at least Col. 14, lines 10-35.

(b) **sending** the data to a server system. See, for example, references to data collected in databases at a server, at least Col. 13, lines 45-64.

(a) **receiving** the data from the client system. See, for example, at least Col. 13, lines 1-44, which show that data that has been received is used for various purposes.

(b) based on the consumer's personalized data (history, at least Col. 14, lines 1-43) **determining a recommendation** for one or more products. See, for example, at least Col. 16, lines 36-59.

(c) **sending** the recommendation to a client system. See, for example, at least items 220, 130, 100, and 230 in Fig. 6 and related text, concerning information received by a consumer at a client system.

Tracy **does not** specifically disclose fabric care products chosen from a dryer-added sheet product or a softener.

Johnson discloses recommending fabric care products chosen from a dryer-added sheet product or a softener, based on consumer data concerning a consumer's needs and habits. See, for example, at least Col. 15, lines 5-13.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Johnson to disclose the steps of collecting data, sending data, receiving data, determining a recommendation and recommending products chosen from a dryer-added sheet product or softener, for the obvious reason that softeners and dryer added substrates may be formulated with perfume and fragrance ingredients that are aesthetically pleasing to the consumer and they attempt to deliver a prolonged fragrance or pleasurable smell to fabric that has been laundered via automatic appliances. By providing recommendations to consumers based on market research databases, manufacturers and distributors of products can be made more efficient and profitable.

As per claim 2, Tracy discloses receiving the recommendation for the one or more products. See, for example, at least items 220, 130, 100, and 230 in Fig. 6 and related text, concerning information received by a consumer at a client system.

As per claim 3, Tracy discloses that consumer data is collected by:

- (a) **displaying** one or more queries. See, for example, at least Col. 14, lines 10-35.
- (b) **sending** [in response to one or more actions by the consumer] answers to the one or more queries to a server system. See, for example, at least Col. 14, lines 13, line 64-Col. 1, line 43.

As per claim 4, Tracy **does not** specifically disclose that a Fabric care product is a fabric softener. This feature is disclosed by Johnson, See, for example, at least Col. 15, lines 5-13.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Johnson to disclose that a fabric care product is a fabric softener.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Tracy and Johnson to disclose that a fabric care product is a fabric softener for the obvious reason that fabric softeners may be formulated with perfume and fragrance ingredients that are aesthetically pleasing to the consumer and they attempt to deliver a prolonged fragrance or pleasurable smell to fabric that has been laundered via automatic appliances.

As per claim 5, Tracy discloses

- (a) calculating** a recommended quantity for each of the one or more products recommended for purchase. See references to obtaining a quantity, Col. 8, lines 1-16. See also references to calculating servings, Col. 9, line 61-Col. 10, line 4.
- (b) sending** the recommended quantities with the purchase recommendation to the first client system, a second client system or both. See, for example, at least Fig. 7D and quantities sent to a client device.

As per claim 6, Tracy discloses receiving the recommended quantities for each of the products recommended for purchase. See, for example, at least Fig. 7D and quantities received and displayed at a client device.

As per claim 7, Tracy discloses that a recommended quantity for each of the one or more products is selected from the group consisting of an individual dose, a predetermined multiple of individual doses, consumer selected multiples of individual doses and mixtures thereof. See references to quantity, Tracy, Col. 8, lines 1-16. See also references to servings, Col. 9, line 61-Col. 10, line 4.

As per claim 8, Tracy discloses communication via the Internet. See, for example, Col. 2, lines 30-40.

As per claim 9, Tracy discloses one or more products are selected for purchase [under control of the first client system with one or more actions by the consumer] and a request is sent to the server system to purchase the selected products. See, for example, Col. 14, line 55-Col. 15, line 7.

As per claim 10, Tracy discloses [under control of the first client system]

(a) **selecting** a purchase quantity for the products selected for purchase, wherein the purchase can be different from the recommended quantity. See, for example, substitution of various quantities and servings that are different from recommended quantities, as in Col. 9, line 60 –Col 10, line 4.

(b) **sending** a request to a server system to purchase the selected quantity of the selected products. See, for example, Col. 14, line 55-Col. 15, line 7.

As per claim 12, Tracy discloses that products selected for purchase are identified, packaged and delivered to the consumer. See, for example, at least Fig. 10 and related text.

Claim 13 is rejected on the same grounds as claim 12.

As per claim 14, Tracy discloses that products selected for purchase are dispensed directly to the consumer **or** they are dispensed to a fabric laundering or fabric drying apparatus under control of the consumer. See, for example, Fig. 10 and related text concerning delivery to a consumer.

As per claim 15, Tracy discloses that a receipt identifying the products selected for purchase is issued to the consumer before the products are delivered to the consumer. See references to receipts, at least Col. 8, lines 25-40.

Claim 16 is rejected on the same grounds as claim 14.

Claim 17 is rejected on the same grounds as claim 15.

As per claim 18, Tracy discloses that receipt comprises an electronic transmitter beacon, and wherein the location of the consumer can be determined electronically with the assistance of the electronic transmitter beacon, once the consumer is located, the products can be delivered directly to the consumer. See at least references to electronic tracking of consumers, for example, Col. 12, lines 41-56.

Claim 19 is rejected on the same grounds as claim 18.

As per claim 20, Tracy discloses that a plurality of products may be recommended for purchase and each of the recommended products have at least one common characteristic. See, for example, at least references to product characteristics such as size, package and mixtures, as in Col. 9, line 61-Col. 10, line 4.

As per claim 20, Tracy **does not** specifically disclose products wherein a common characteristic is selected from the group consisting of perfume, product color, package color, and mixtures thereof. As explained above, this language is given little

patentable weight. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Johnson to disclose the steps of collecting data, sending data, receiving data, determining a recommendation and recommending products chosen from a dryer-added sheet product or softener with product characteristics selected from perfume, color, package color, and mixtures thereof, for the obvious reason that softeners and dryer added substrates are often formulated with perfume and fragrance ingredients that are aesthetically pleasing to the consumer and they attempt to deliver a prolonged fragrance or pleasurable smell to fabric that has been laundered via automatic appliances. By providing recommendations to consumers based on market research databases, manufacturers and distributors of products can be made more efficient and profitable.

As per claim 21, Tracy discloses that personalized consumer data pertaining to a consumer's needs and habits is selected from the group consisting of: the number, ages and gender of the people in the consumer's household, the frequency with which fabric care processes are conducted by the consumer or by members of the consumer's household; the type and color of fabrics that are cared for; and mixtures thereof. See for example, references to age, as in Col. 13, line 64-Col. 14, line 9.

As per claim 22, Tracy discloses that a server system may comprise a customized web site having a user interface wherein the user interface includes consumer identification data unique to each consumer who accesses the web site (e.g. password, consumer purchasing history, etc.), and wherein the consumer identification data is stored in a data repository and is used to create a unique consumer profile

corresponding to the consumer identification data for each consumer. See, for example, at least Col. 14, line 55-Col 15, line 7.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672) in view of Johnson et al. (US 6,484,158).

As per claim 23, Tracy discloses recommending products for purchase or use:

- (a) ***interactive user interface***. See, for example, at least Fig. 2 and 4 for various interactive user interfaces.
- (b) ***collecting*** personalized consumer data pertaining to a consumer's needs and habits. See, for example, references to prior purchases such as charcoal, at least Col. 14, lines 10-35.
- (b) ***comparing*** the personalized data to a data repository, wherein the data repository comprises data selected from the group consisting of products. See, for example, at least Col. 13, lines 19-44.
- (c) ***preparing*** a recommendation. See, for example at least references to recommending daily amounts, alternative products, etc., at least Col. 10, lines 35-39.

Tracy ***does not*** specifically disclose fabric care products chosen from a dryer-added sheet product or a softener.

Johnson discloses recommending fabric care products chosen from a dryer-added sheet product or a softener, based on consumer data concerning a consumer's needs and habits. See, for example, at least Col. 15, lines 5-13.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Johnson to disclose the steps of collecting data, sending data, receiving data, determining a recommendation and recommending products chosen from a dryer-added sheet product or softener, for the obvious reason that softeners and dryer added substrates are often formulated with perfume and fragrance ingredients that are aesthetically pleasing to the consumer and they attempt to deliver a prolonged fragrance or pleasurable smell to fabric that has been laundered via automatic appliances. By providing recommendations to consumers based on market research databases, manufacturers and distributors of products can be made more efficient and profitable.

As per claim 24, Tracy discloses that the interactive user interface comprises a computer assembly connected to the data repository, a display device and an input device. See, for example, at least Figs. 2, 6 and related text.

As per claim 25, Tracy discloses that recommendation(s) may be displayed on the display device. See, for example, at least Figs. 7A-E and related text.

Claims 26-32 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672) in view of Johnson et al. (US 6,484,158).

As per claim 26, Tracy discloses an apparatus for providing recommendations:

(a) a data repository comprising product data. See, for example, at least references to a database, (60).

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(b) an input device for receiving user input from a consumer. See, for example, at least Fig. 2 and related text.

(c) a computer assembly connected to the data repository wherein the computer assembly comprises a CPU. See, for example, at least Fig. 3 and related text.

Tracy **does not** specifically disclose fabric care products chosen from a dryer-added sheet product or a softener.

Johnson discloses recommending fabric care products chosen from a dryer-added sheet product or a softener, based on consumer data concerning a consumer's needs and habits. See, for example, at least Col. 15, lines 5-13.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Johnson to disclose the steps of collecting data, sending data, receiving data, determining a recommendation and recommending products chosen from a dryer-added sheet product or softener, for the obvious reason that softeners and dryer added substrates are often formulated with perfume and fragrance ingredients that are aesthetically pleasing to the consumer and they attempt to deliver a prolonged fragrance or pleasurable smell to fabric that has been laundered via automatic appliances. By providing recommendations to consumers based on market research databases, manufacturers and distributors of products can be made more efficient and profitable.

Claim 27 is rejected on the same grounds as claim 25.

As per claim 28, Tracy discloses computer readable storage medium containing computer executable instructions for the computer assembly. See, for example, at least Figs. 1, 3, 4, 6, and related text.

As per claim 29, Tracy discloses input devices such as a keypad, a hand operated pointing device, or a keyboard. See, for example, Figs. 2, 4, 6, related text.

As per claim 30, Tracy discloses that an input device may be associated with a user kiosk. See Tracy, Col 5, lines 12-26.

As per claim 31, Tracy discloses that a computer assembly may be connected to a dispensing device for dispensing products to a consumer *or* to one or more fabric treatment machines. See, for example, at least Col. 1, lines 22-55, Col. 7, lines 5-23.

As per claim 32, Tracy discloses that c care recommendation may comprises a list of products; and using the input device, a consumer selects for purchase products from the list; the products are then dispensed to the consumer. See, for example, list of Figs. 7A-E. For dispensing units, see at least Col. 7, lines 5-23.

As per claim 35, Tracy discloses that a dispensing device may dispenses an electronic transmitter beacon to the consumer before the products are dispensed, and wherein the location of the consumer can be determined electronically with the assistance of the electronic transmitter beacon, once the consumer is located, the products can be delivered directly to the consumer. Seem, for example, at least Col. 9, lines 4-23. See also references to electronic tracking of consumers, for example, Col. 12, lines 41-56.

Claim 36 is rejected on the same grounds as claim 21.

As per claim 37, Tracy discloses that recommendation comprises a list of one or more products and dosages for the products, and wherein the recommendation is prepared based on the personalized data supplied by the consumer. See, for example, at least Col. 9, line 61-Col. 10, line 4.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672) in view of Johnson et al. (US 6,484,158) and further in view of Toussant et al. (US 6092726).

As per claim 33, Tracy discloses that product recommendation may comprise a list of products; and using the input device, a consumer selects products from the list; the products are then dispensed to specialized machines. See, for example, list of Figs. 7A-E. For dispensing units, see at least Col. 7, lines 5-23.

As per claim 33, Tracy **does not** specifically disclose applicant's limitation that products may be dispensed to a particular type of machine called a fabric treatment machine. This limitation is disclosed by Toussant, at least Col. 1, lines 17-37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Toussant to disclose using a device to select products and dispensing fabric care products to fabric treatment machines. One of ordinary skill in the art at the time the invention was made would have been motivated to combine Tracy and Toussant to disclose using a device to select products and dispensing fabric care products to fabric treatment machines for the obvious reason that machines are often designed with particular products in mind. For laundry, one often uses automatic

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appliances (fabric treatment machines). By dispensing fabric care products to fabric treatment machines, consumers may protect their health by eliminating germs that may have accumulated on their clothes. In addition, softeners and dryer added substrates are often formulated with perfume and fragrance ingredients that are aesthetically pleasing to the consumer and they attempt to deliver a prolonged fragrance or pleasurable smell to fabric that has been laundered via automatic appliances. By providing recommendations to consumers based on market research databases, manufacturers and distributors of products can be made more efficient and profitable.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672) in view of Baker et al. (US 6316402).

As per claim 34, Tracy ***does not*** specifically limit his invention to (applicant's latest amendment) of dryer added sheet products. This feature is disclosed by Baker, Col. 2, lines 4-34.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy with Baker to disclose the use of dryer added sheet products.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Tracy with Baker to disclose the use of dryer added sheet products for the obvious reason that a customer may wish to add softener or fragrance at any stage of a laundry cycle. As previously noted, without traverse, softeners and dryer added substrates are often formulated with perfume and fragrance ingredients

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that are aesthetically pleasing to the consumer and they attempt to deliver a prolonged fragrance or pleasurable smell to fabric that has been laundered via automatic appliances. By providing recommendations to consumers based on market research databases, manufacturers and distributors of products can be made more efficient and profitable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
25 October 2005

James Zurita
Patent Examiner
AU 3625